

REMARKS

Claims 1-22 are pending in the application. Claims 1, 6, 7 and 12 have been amended, claims 3 and 9 have been canceled and new claims 19-22 have been added by way of the present amendment. Reconsideration is respectfully requested.

In the outstanding Office Action, claims 1-18 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6,277,026 (Archer) in view of US Patent Publication No. 2003/0009375 (Stoltz et al).

Claim 103 Rejections

Claims 1-18 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Archer in view of Stoltz et al. Applicants respectfully traverse the rejection.

Claims 1 and 7 have been amended to clarify the invention. In particular, the claims have been amended to recite:

wherein the choice of member functions and content presented to pre-registered user members further comprises accessing a member's account for selectively determining a current balance, customer service options, history of wins and losses, and subscriptions for play that are currently alive.

In addition, claims 6 and 12 have been amended to further clarify the invention. In particular, the claims have been amended to recite:

providing access to a subscription purchasing service for members,
wherein the subscription purchasing service for members further comprises subscribing to at least one of a game and a list of games; and selecting a list of various number combinations in at least the one game and the list of games to play.

Support for the amendments is provided at least by original claims 3 and 7, and paragraphs [0045] to [0046]; and shown at least in FIG. 1 at reference numbers 58, 60, 62 and

64 of the application, as shown in US Patent Application Publication US 2003/0023547. Therefore, the amendments raise no question of new matter.

To establish *prima facie* obviousness of a claimed invention, all the claim recitations must be taught or suggested by the prior art. *In re Royka*.¹ All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*.² (MPEP § 2143.03). When evaluating the scope of a claim, every recitation in the claim must be considered. See e.g. *In re Ochiai*.³ (MPEP § 2144.08). It is respectfully submitted that the evidentiary record fails to teach each recitation of the present invention. Specifically, the references individually or in combination fail to teach that access to a “subscription purchasing service for members,” as recited in the claims, is provided to “pre-registered users” (i.e., members).

Archer discloses a system and method for facilitating the sale of a lottery ticket online that includes a data storage system and a data processing system.⁴ In addition, Archer discloses a system **100** that includes a network such as the Internet **102**, an ISP **104** which has been authorized by a lottery commission (e.g., a state-run lottery commission or authority) to act as a lottery service provider (LSP), an ISP **112**, lottery commission systems **118** which may be operated by a state-run lottery commission, and an exemplary user population further including users **108**, **110**, **114**, and **116**.⁵ Further, Archer discloses a method, carried out within the system **100**, to facilitate the purchase and sale of lottery tickets online.⁶

In particular, Archer discloses that a user will point his browser software to a lottery service provider (LSP) **104** managed web site to purchase a lottery ticket online and will select a

¹ *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

² *In re Wilson*, 424 F.2d 1382, 165 USPQ 496 (CCPA 1970).

³ *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995).

⁴ Archer at ABSTRACT.

⁵ *Id.* at FIG. 1; column 4, lines 54-63.

⁶ *Id.* at FIG. 4A to FIG. 4E; column 7, lines 37-47.

page or option indicating his desire to purchase a lottery ticket online.⁷ Further, Archer discloses presenting a verification web form to the user for him to verify personal data (e.g., name and address, payment data, lottery ticket entry value, etc.) and whether the user validated the lottery ticket purchase information.⁸ Furthermore, Archer disclose that the LSP 104 will verify the user's payment method.⁹

Furthermore, Archer discloses making a determination as to whether a match exists between a user's personal identification information (e.g., his personal profile data and secure lottery ticket purchase code) that is consistent with a winning ticket. This matching operation involves the determination if a previously stored secure lottery ticket purchase code within LSP **104** is the same as a alleged code (which may be referred to as a "request code") proffered by a person seeking to collect on winning lottery amount.¹⁰

However, Archer nowhere discloses, as recited in amended independent claims 1 and 7:

wherein *the choice of member functions* and content
presented to pre-registered members further comprises accessing a
member's account for *selectively determining a current balance,*
customer service options, history of wins and losses, and
subscriptions for play that are currently alive (emphasis added).

That is, it is respectfully submitted that the methods of Archer do NOT disclose access to the above-referenced content, particularly regarding "a current balance, customer service options, history of wins and losses," and "subscriptions," as recited in amended claims 1 and 7, as being "presented to pre-registered members." In contrast to providing this access to "pre-registered members," as recited in the claimed invention, Archer discloses obtaining accesses and "verification of previously purchased lottery tickets" is to be: "carried out by *an authorized*

⁷ *Id.* at FIG. 4A; column 7, lines 54-59.

⁸ *Id.* at FIG. 4B; column 8, lines 40-47.

⁹ *Id.* at column 8, lines 49-51.

¹⁰ *Id.* at FIG. 5B; column 10, lines 8-19.

lottery payoff agent, in conjunction with an LSP, to facilitate the proper payment of monies relative to winning lottery numbers and tickets” (emphasis added).¹¹

Further, Archer nowhere discloses “providing access to a subscription purchasing service for members,” as recited in amended claims 6 and 12. In particular, it should be noted that Archer nowhere discloses, as recited in amended independent claims 6 and 12 recite:

providing access to a subscription purchasing service for
members,
wherein the subscription purchasing service for members
further comprises subscribing to at least one of a game and a list
of games; and selecting a list of various number combinations in at
least the one game and the list of games to play (emphasis added).

That is, Archer nowhere discloses providing “members” with access to: “subscribing to at least one of a game and a list of games; and selecting a list of various number combinations in at least the one game and the list of games to play,” as recited in amended claims 6 and 12. Thus, in consideration of the above, it is respectfully submitted that Archer does not disclose, suggest or make obvious the claimed invention.

The outstanding Office Action acknowledges deficiencies in Archer and attempts to compensate for these deficiencies with Stoltz et al.¹² However, as discussed below, Stoltz et al. cannot overcome all of the deficiencies of Archer.

Stoltz et al. discloses a method for managing a public lottery and more particularly to a method under the control of a computer system which is connected to a telecommunication system, *said telecommunication system having subscribers* (emphasis added).¹³ In particular, Stoltz et al. discloses identifying telecommunication system subscribers by means of a subscriber identifier in the telecommunication system, sending to the connected subscriber a menu of selection information from the computer system, receiving by the computer system selection information in response to a selection action of the subscriber, assigning a unique identification

¹¹ *Id.* at column 9, lines 34-44.

¹² Outstanding Office Action at page 3, line 17.

code to the connected subscriber on the basis of the subscriber identifier, sending the unique identification code to the connected subscriber, said code forming a code for a unique lot in the lottery.¹⁴

However, Stoltz et al. nowhere discloses, as recited in independent claims 1 and 7 recite:

wherein the choice of member functions and content presented to pre-registered members further comprises accessing a member's account for selectively determining a current balance, customer service options, history of wins and losses, and subscriptions for play that are currently alive (emphasis added).

That is, it is respectfully submitted that the methods of Stoltz et al. do NOT disclose access to the above-referenced content, particularly regarding “a current balance, customer service options, history of wins and losses, and “subscriptions,” as recited in amended claims 1 and 7, is “presented to pre-registered members.”

Further, it is respectfully submitted that Stoltz et al. nowhere discloses “*providing access to a subscription purchasing service for members,*” as recited in claims 6 and 12 (emphasis added). Furthermore, Stoltz et al. nowhere discloses, as recited in amended independent claims 6 and 12 recite:

*providing access to a subscription purchasing service for members,
wherein the subscription purchasing service for members further comprises subscribing to at least one of a game and a list of games; and selecting a list of various number combinations in at least the one game and the list of games to play (emphasis added).*

That is, Stoltz et al. nowhere discloses providing “members” with access to: “subscribing to at least one of a game and a list of games; and selecting a list of various number combinations in at least the one game and the list of games to play,” as recited in amended claims 6 and 12. Thus, accordance with the discussion above, Stoltz et al. cannot overcome all of the deficiencies of Archer. Therefore, it is respectfully submitted that neither Archer nor Stoltz et al., whether taken

¹³ Stoltz et al. at ABSTRACT.

alone or in combination, disclose, suggest or make obvious the claimed invention and that claims 1, 6, 7 and 12, and claims dependent thereon, patentably distinguish thereover.

New Claims

New claims 19-22 have been added to claim additional features of the invention. In particular, these claims recite the limitations:

the history of wins and losses is illustrated by calculated statistical percentages;

and

the subscription purchasing service provides members with an ability to subscribe to at least one of a game and a list of games; and select and play a list of various number combinations in at least the one game and the list of games.

Support for the new claims is provided at least at paragraphs [0045] to [0046] in US Patent Application Publication US 2003/0023547. Therefore, the new claims raise no question of new matter.

¹⁴ *Id.* at paragraph [0005].

Conclusions

In view of the foregoing, Applicant believes the application is in condition for allowance and favorable reconsideration is requested. If a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22051-00002-US1 from which the undersigned is authorized to draw.

Dated: April 5, 2007

Respectfully submitted,

By____/Myron Keith Wyche/
Myron Keith Wyche, Reg. No. 47,341
CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800
Washington, DC 20036-3425
(202) 331-7111
(202) 293-6229 (Fax)
Agent for Applicant